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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**Partial Objection of USACM Trust To
Hermaine and Seymour Hinden Living Trust
DTD 2/22/00 Claim Filed in Wrong Debtor's
Case and Disallowed as to USACM**

Hearing Date: December 20, 2007
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Hermaine and Seymour Hinden Living Trust DTD 2/22/00 ("Hinden Trust") filed Proof of Claim No. 10725-00953 (the "Claim") against USA Commercial Mortgage Company ("USACM") in the amount of \$40,000.00. The Hinden Trust filed the Claim without supporting documentation. In response to an August, 30 2007 inquiry for more information, the Hinden Trust supplied supporting documentation, including a November 15, 2004 "portfolio summary" showing a \$10,000 investment in USA Capital First Trust Deed Fund, LLC ("FTDF").

1 The USACM Liquidating Trust (the "USACM Trust") objects to the Claim to the
2 extent it is based upon an investment in FTDF (\$10,000). This objection is made pursuant
3 to Bankruptcy Code section 502, Federal Rule of Bankruptcy Procedure 3007, and Local
4 Rule of Bankruptcy Practice 3007. Any claim on account of his investment in FTDF is
5 derivative of FTDF's claims against USACM. Under a settlement approved by the Court
6 on June 12, 2007, all such FTDF claims were settled, with FTDF holding a \$7.0 million
7 allowed general unsecured claim and beneficial interest in the USACM Liquidating Trust.
8 The equity interest holders in FTDF will share in any recovery on account of that claim.

9 The USACM Trust has confirmed that the Hinden Living Trust holds a \$20,000
10 equity interest in the FTDF estate. This objection will not affect that equity interest.

11 Accordingly, the USACM Trust respectfully requests that the Court disallow
12 \$10,000 from Proof of Claim No. 10725-00953 because that portion of the claim is based
13 upon an investment in FTDF and therefore should not be allowed against USACM.

14 Dated: November 19, 2007.

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16 By: /s/ Rob Charles (#006593)
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26

LEWIS
AND
ROCA
LLP
LAWYERS

1 Copy of the foregoing mailed on
2 November 19, 2007 to:

3 Hermaine and Seymour Hinden Living Trust
4 DTD 2/22/00
5 c/o Hermaine Hinden and Seymour Hinden, Trustees
6 2721 Orchid Valley Drive
7 Las Vegas, Nevada 89134-7327

8 /s/ Christine E Laurel
9 Lewis and Roca LLP
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